S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4925/2007

(Bashir Ahmed & Ors. Vs. State of Rajasthan)

DATE OF ORDER : 22/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Insaf Ali for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

Learned counsel for the petitioners submits that the dowry articles have been deposited in compliance of the order of this Court dated 22.10.2007. This fact has been admitted by the public prosecutor as there is a Fard taking the dowry articles on record in the police investigation diary.

In this view of the matter, having regard to the facts and circumstances of the case, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Bashir Ahmed S/o Mannu Khan, Mannu Khan S/o Gani Khan, Smt. Rasida Khatun W/o Mannu Khan and Subhan Khan S/o Mannu Khan in CR No. 140/2007 P.S. Pokaran (Jaisalmer), they shall be released on bail for a period till the

police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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